

REMARKS

Applicants have thoroughly considered the Examiner's remarks but respectfully disagree and request further reconsideration of the application in light of the following remarks. If the Examiner feels, for any reason, that an interview will expedite prosecution of this application, applicants invite the Examiner to telephone the undersigned attorney.

Claims 45, 46, 48, 49, 58, 59, 62, 64 and 65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,317,490 to Cameron et al. in view of U.S. Patent 6,266,401 to Marchbanks et al. Claims 50 and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cameron, in view of Marchbanks, and further in view of U.S. Patent 5,864,613 to Flood. Claims 57, 60, and 61 stand rejected under 35 USC 103(a) as being unpatentable over Cameron in view of Marchbanks, and further in view of U.S. Patent 6,104,704 to Buhler et al.

As acknowledged in the Office action, the Cameron reference does not teach that new billing records include individual transaction charges from a plurality of entities. To remedy this deficiency, the Office asserts "Marchbanks teaches an electronic bill processing [that] comprises processing new billing records, [which include] individual transaction charges from a plurality of entities." (Office action at page 3). As explained below, applicants submit that the cited references, even when combined as suggested in the Office action, fail to teach or suggest all of the features of applicants' claims. Thus, *prima facie* obviousness has not been established. (See MPEP 2142 and 2143).

The Cameron reference discloses a telecommunication service billing administrator for accessing and retrieving account details from a subscribers account. More specifically, Cameron discloses providing a subscriber access to account details from an account table such as total cost, total time, cost quotas, and time quotas. (See Column 3, lines 54-65).

In contrast, applicants' claim 45 recites, in part, "storing billing records associated with the user's telecommunications account in a data base, wherein said stored billing records include new billing records for which an invoice has not yet been issued to the user, and wherein said new billing records include *individual transaction charges* from a *plurality of entities*."

The rejection of claim 45 is apparently based on the view that accessing an account table is equivalent to accessing new billing records, which include *individual transaction charges*. However, applicants respectfully submit that such a view is contrary to the invention as disclosed by Cameron. Cameron merely discloses that if access to a billing information data repository (BIDR) 200 is authorized, account details are retrieved from the account table 204. According to Cameron, the account table 204 includes "an account number field identifying billing data belonging to one subscriber and the table key; a total cost field 210 containing real-time costs with respect to total costs, a total time field containing a real-time total of connected time to date used by the subscriber; a cost quota field 214 designating any maximum cost thresholds of the subscriber, and a time quota field 216 designating any connect-time thresholds of the subscriber." (Column 3, lines 23-31). Although Cameron discloses that the account table uses transaction information from a call table to calculate total cost and total time information, it fails to disclose allowing the subscriber to retrieve such individual charging information from the calling table. (See Column 3, lines 55-64: FIG. 2). Thus, nothing in the Cameron reference suggests accessing and/or displaying billing records that include individual transaction charges from a plurality of entities.

The Marchbanks reference discloses a billing system whereby billing information for network equipment and third party equipment charges are integrated into a single customer invoice. (See column 1, lines 50-56). In particular, Marchbanks discloses a billing system

wherein customer billing is processed in phases. In the first phase, call or usage data from a telephony network is acquired from a telephony network, and is batched, formatted, reviewed, authorized and rated. A second (invoicing) phase involves acquiring call records, aggregating them by cycle (i.e., billing cycle) and customer, and preparing the actual customer invoice. (See column 3, lines 53-65). Thereafter, the customer receives the integrated billing information in a single billing statement (i.e., invoice) at the end of the billing cycle. (See Figs. 16A-16G.)

In contrast, claim 45 recites, in part, a method for “storing billing records ..., wherein said stored billing records include new billing records for which an *invoice has not yet been issued to the user*, and wherein said new billing records include individual transaction charges *incurred within a billing period* from a plurality of entities” and “displaying ...the *individual transaction charges for which an invoice has not yet been issued to the user*.” (Emphasis supplied). Although the Examiner indicates that Fig. 16A-16F of the Marchbanks reference teaches an electronic bill processing comprises processing new billing records that include individual transaction charges (See Office action at page 3), when considered as a whole, Marchbanks fails to teach or suggest these elements of claim 45. In particular, Marchbanks' FIGS 16A-16G illustrate an invoice, necessarily issued at the end of a billing period. Therefore, the cited references fail to show *displaying the individual transaction charges for which an invoice has not yet been issued to the user*. In fact, Marchbanks teaches away from accessing and/or displaying such detailed records by stating “after the accuracy of the sample invoice data has been verified ... invoices are printed and then dispatched to the applicable customers.” (Column 4, lines 41-54). Thus, nothing in the Marchbanks reference suggests accessing and/or displaying billing records associated with one or more telecommunication accounts for which an invoice has not yet been issued to the user.

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Moreover, applicants submit that selective combination of these references is based on hindsight gleaned from the invention itself rather than from a teaching in the art suggesting their combination. The Office action makes only the bare assertion that it would have been obvious to one of ordinary skill in the art to combine the teachings of the Cameron and Marchbanks references without mention of any motivation for the combination found in the references themselves. (See Office action, page 3). Even if the Office takes into account knowledge available at the time of the claimed invention, the cited art must support the selective combination of the references by suggesting the desirability of making the combination. See Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ 2d 1434, 1438 (Fed. Cir. 1988). In other words, the references must provide a motivating force to impel their combination. See Ex parte Levergood, 28 USPQ2d 1300. In this case, not only is there a lack of a motivational force to combine the references as suggested by the Examiner, as discussed above, the Marchbanks reference teaches away from such a combination. As such, it appears as if impermissible hindsight reconstruction was used to pick and choose from the prior art, using applicants' invention as a guide. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP § 2143.01 (citing In re Mills , 916 F.2d 680 (Fed. Cir. 1990)).

In light of the foregoing, applicants submit that claim 45 is allowable over the cited art. Claims 46, 48, 49, 50, 52, and 57-61 depend from claim 45 and are believed to be allowable for at least the same reasons as the independent claim from which they depend.

Claim 62 recites, in part, a method for "displaying the stored billing records to the user over the data network, including displaying the individual transaction charges for which an

invoice has not yet been issued to the user, and wherein said new billing records include *individual transaction charges incurred within a billing period* from a plurality of entities."

Inasmuch as the Cameron and Marchbanks references fail to teach or suggest these aspects of the invention, claim 62 is also believed to be allowable. Claims 64 and 65 depend from claim 62 and are also believed to be allowable.

SUMMARY AND CONCLUDING REMARKS

In view of the above, applicants respectfully submit that pending claims 45, 46, 48-50, 52, 57-62, 64, and 65 are allowable over the cited art and that the subject application is now in condition for allowance.

The fact that applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating applicants' agreement therewith.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,



Robert M. Bain, Reg. No. 36,736
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

EL 801513025 US